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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/550,545	04/14/2000	Shawn Scotzin	REALNET.055A	8286
20995	7590	10/03/2006		
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER FLANDERS, ANDREW C	
			ART UNIT 2615	PAPER NUMBER

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/550,545

Applicant(s)

SCOTZIN ET AL.

Examiner

Andrew C. Flanders

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-19, 25-27 and 29-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-19, 25-27 and 29-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)


- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15 – 19, 25 – 27 and 29 – ⁷⁴~~75~~ are rejected under 35 U.S.C. 103(a) as  being unpatentable over Dell (Optiplex G1 w/ Windows 98 installed).

Regarding **Claim 15**, Dell discloses:

An electronic device for communication with a user comprising:

A memory (i.e. a hard disk) comprising a plurality of nodes (the various folders in the Windows 98 explorer on page 2 of the Windows 98 tutorial).

Dell does not disclose that the plurality of nodes are indicative of music item classifications.

However, it is notoriously well known to store music files (for example mp3 files) and manage them using windows explorer. A user can name and thereby organize any of the folder names or file names either by song or artist or any combination of both. For an example, one can name the folder after the artist and then place the mp3 files of the artist under that folder or one can name it after an album or any other particular

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designating and place the mp3 files of that album under that folder. This is well known in the art and the main organizational feature of windows explorer. The tutorial even suggests that related materials should be placed together in folders (page 2).

Renaming and naming the folders by artist or album is simple even for the most inexperienced user. Dwek discloses an example well known in the art of organizing music files in a hierarchical manner under artist, album genre and playlist categories (Fig. 3A). It would have been obvious to one of ordinary skill in the art to group the like music files together under common folders and subfolders for the purpose of locating the files in an easy manner (page 2 of the tutorial).

The modification of Dell further discloses:

an input device comprising at least one of a keyboard, a roller ball, a pen, a stylus, a touch screen, a microphone, and a mouse (i.e. inputs to the Dell such as a mouse or keyboard)

an output device (i.e. the monitor) operative to display a hierarchical graphical library tree (i.e. windows explorer) the hierarchical graphical library tree graphically depicting the nodes (i.e. the folders in windows explorer), one or more of the nodes in the hierarchical graphical library tree having a plurality of children nodes that relate to the node and/or one or more music track(s) (i.e. subfolders or music files in the main folder), each node in the plurality of nodes being represented by either a graphical image or text (see the figure on page 2 of the tutorial);

the output device having a graphical display indicating (a) a child node of the plurality of children nodes in the hierarchical graphical library tree, and/or (b) music

track information related to the child node (a sub folder under the sub folder, containing a name relating to artist, album or song information), the child node and/or the music track information being operative to be moveable or copyable from a first location where the child node and/or music track information indicates an association with one of the plurality of nodes in the graphical library tree to one of a plurality of user-indicated second locations where the child node and/or music track information indicates an associating with another of the plurality of nodes in the hierarchical graphical library tree (i.e. dragging and dropping the folders or files in the figure on page 2 of the tutorial or cutting and pasting as disclosed on page 3) and the moving or copying to the one of the plurality of user-indicated second locations is operative to be performed in response to a signal from the input device used to indicate a move or a copy of the child node and/or the music track from the first location to the second location in the hierarchical graphical library tree (i.e. using the mouse of dell to do the dragging or cutting and pasting); and

wherein the hierarchical graphical library tree comprises at least one of:

a playlist node having one or more children nodes that each are respectively associated with playlists of music items;

an artist node having one or more children nodes that are each respectively associated with a selected author;

a genre node having one or more children nodes that are each respectively associated with a selected genre; and

an album node having one or more children nodes, that are each respectively associated with a selected album (i.e. the main folders include subfolders and music

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files, each respectively named as desired by the user, this name corresponding to an artist, playlist, genre or album)

Regarding **Claim 16**, in addition to the elements stated above regarding claim 15, Dell further discloses:

wherein the hierarchical graphical library tree comprises at least a playlist node having one or more children nodes that are respectively associated with playlists of music items (i.e. the main folders include subfolders and music files, each respectively named as desired by the user, this name corresponding to an artist, playlist, genre or album).

Regarding **Claim 17**, in addition to the elements stated above regarding claim 15, Dell further discloses:

wherein the hierarchical graphical library tree comprises at least an artist node having one or more children nodes that are respectively associated with a selected author (i.e. the main folders include subfolders and music files, each respectively named as desired by the user, this name corresponding to an artist, playlist, genre or album).

Regarding **Claim 18**, in addition to the elements stated above regarding claim 15, Dell further discloses:

wherein the hierarchical graphical library tree comprises at least a genre node having one or more children nodes that are respectively associated with a selected genre (i.e. the main folders include subfolders and music files, each respectively named as desired by the user, this name corresponding to an artist, playlist, genre or album).

Regarding **Claim 19**, in addition to the elements stated above regarding claim 15, Dell further discloses:

wherein the hierarchical graphical library tree comprises at least an album node having one or more children nodes that are respectively associated with a selected album (i.e. the main folders include subfolders and music files, each respectively named as desired by the user, this name corresponding to an artist, playlist, genre or album).

Regarding **Claim 25**, in addition to the elements stated above regarding claim 15, Dell further discloses:

wherein the child node is moveable by selecting and dragging the child node (i.e. using windows explorer to drag and drop).

Regarding **Claim 26**, in addition to the elements stated above regarding claim 15, Dell further discloses:

wherein the child node corresponds to a music track stored on a CD (i.e. displaying the contents of a CD inserted into the Optiplex CD-ROM drive using windows explorer).

Regarding **Claim 27**, in addition to the elements stated above regarding claim 15, Dell further discloses:

wherein the music track information corresponds to a music track stored in a system memory in a compressed data format (i.e. the mp3 file discussed in the rejection of claim 15).

Regarding **Claims 29 – 36**, claims 29 – 36 correspond to the method for operating the apparatus in claims 15 – 19 and 25 – 27 and are rejected under the same grounds as stated above

Regarding **Claims 37 – 52**, in addition to the rejection of the apparatus in claims 15 – 19 and 25 – 27, Dell is directed to a computing system and the windows explorer is an element of the computer program Windows 98. Thus the limitations of a computer program product are met.

Regarding **Claim 53**, in addition to the elements stated above regarding claim 46, Dell further discloses wherein portions of the hierarchical graphical library tree are displayed on different displays on the client electronic device (i.e. the left and right pane in windows explorer on page 2 of the tutorial).

Regarding **Claims 54, 59 and 60**, in addition to the elements stated above regarding claims 15, 29 and 37, Dell further discloses:

wherein the input device is operative to provide an indication of a selection of the music track information, and the music track information is rendered by the electronic device in response to the selection information (i.e. using the mouse and keyboard of Dell to edit the file names of the music files in windows explorer).

Regarding **Claim 55**, in addition to the elements stated above regarding claim 15, Dell further discloses wherein the second location is in the hierarchical graphical library tree (see the figure on page 2 of the tutorial)

Regarding **Claim 56**, in addition to the elements stated above regarding claim 15, Dell further discloses wherein the first location and the second location are in the hierarchical graphical library tree (see the figure on page 2 of the tutorial).

Regarding **Claims 57, 58, 61, 62, 67, 69, 71 and 73**, in addition to the elements stated above regarding claims 15 – 19, 29, 37 and 45, claims 57, 58, 61, 62, 67, 79, 71 and 73 are rejected under the same grounds as claim 25 above.

Regarding **Claim 63 – 66**, in addition to the elements stated above regarding claims 15, 29, 37 and 45, Dell further discloses:

wherein the hierarchical graphical library tree comprises at least a music artist node having one or more children nodes that are each displayed in the hierarchical graphical library tree using at least the name of the music artist that corresponds to the child node (i.e. naming a folder after an artist and naming subfolders after albums written by that artist in the windows explorer file system, similar to that of Dwek).

Regarding **Claims 68, 70, 72 and 74** in addition to the elements stated above regarding claims 16 – 19, claims 68, 70, 72 and 74 are rejected under the same grounds as claim 26 above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Flanders whose telephone number is (571) 272-7516. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7546. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SINH TRAN
SUPERVISORY PATENT EXAMINER